



APPLICATIONS ACCEPTED: November 12, 2013
BOARD OF ZONING APPEALS: January 29, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 22, 2014

STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2013-SU-096
CONCURRENT WITH VC 2013-SU-023**

SULLY DISTRICT

APPLICANT/OWNER: Alicia C. Sandoval

SUBDIVISION: Clarke's Landing

STREET ADDRESS: 2710 Linda Marie Drive, Oakton, 22124

TAX MAP REFERENCE: 36-2 ((5)) 106

LOT SIZE: 1.14 acres

ZONING DISTRICT: R-1, Cluster

ZONING ORDINANCE PROVISIONS: 8-914, 8-923 & 18-401

SPECIAL PERMIT PROPOSAL: To permit accessory storage structure to remain in minimum required front yard and fence greater than 4.0 ft. in height to remain in front yard.

VARIANCE PROPOSAL: To permit fence greater than 4.0 ft. in height to remain in front yards and 7.0 ft. in height to remain in side yards.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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Rebecca Horner

The approval of these applications does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the applications.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

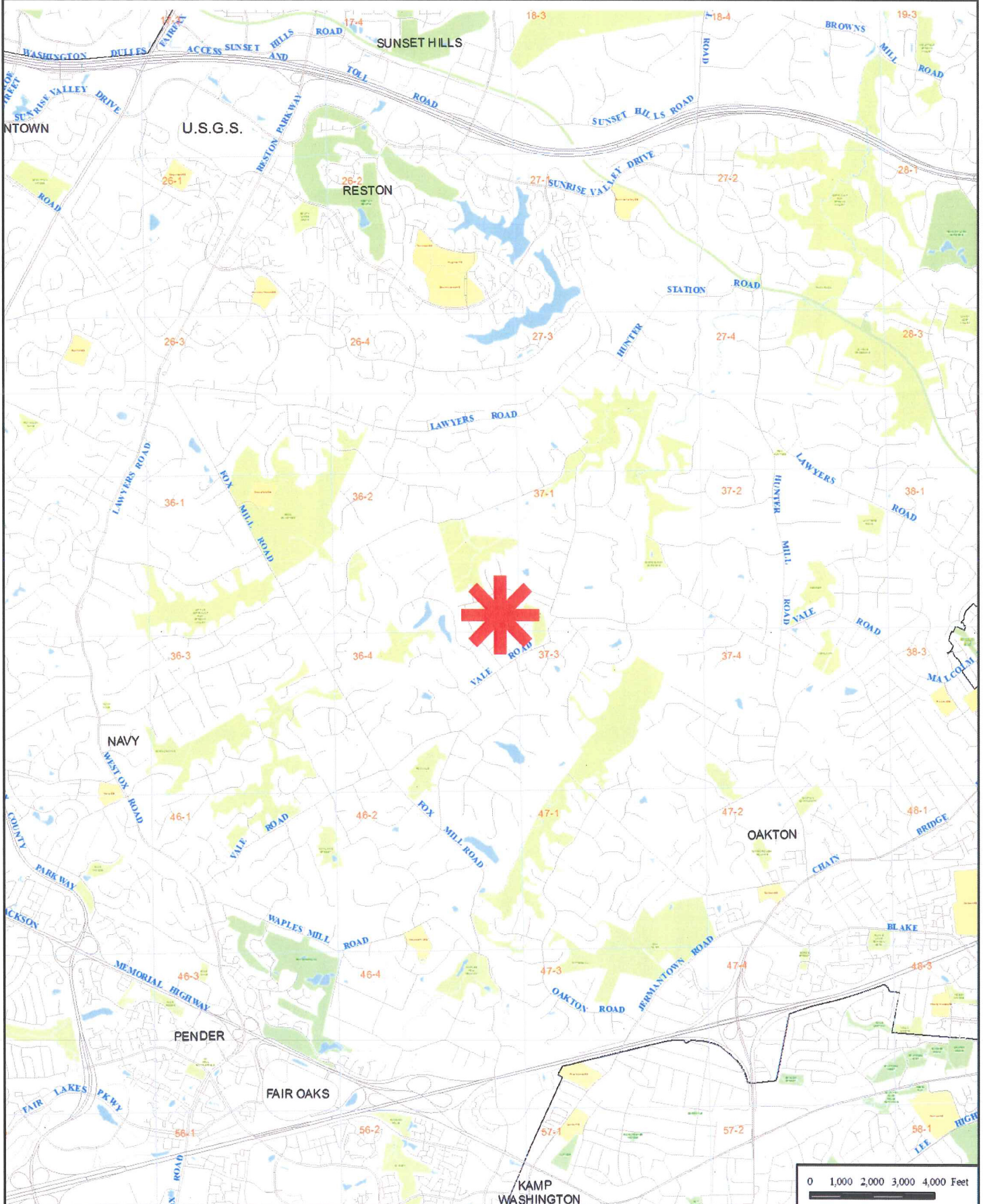
SP 2013-SU-096

ALICIA C. SANDOVAL

Variance Application

VC 2013-SU-023

ALICIA C. SANDOVAL



Special Permit

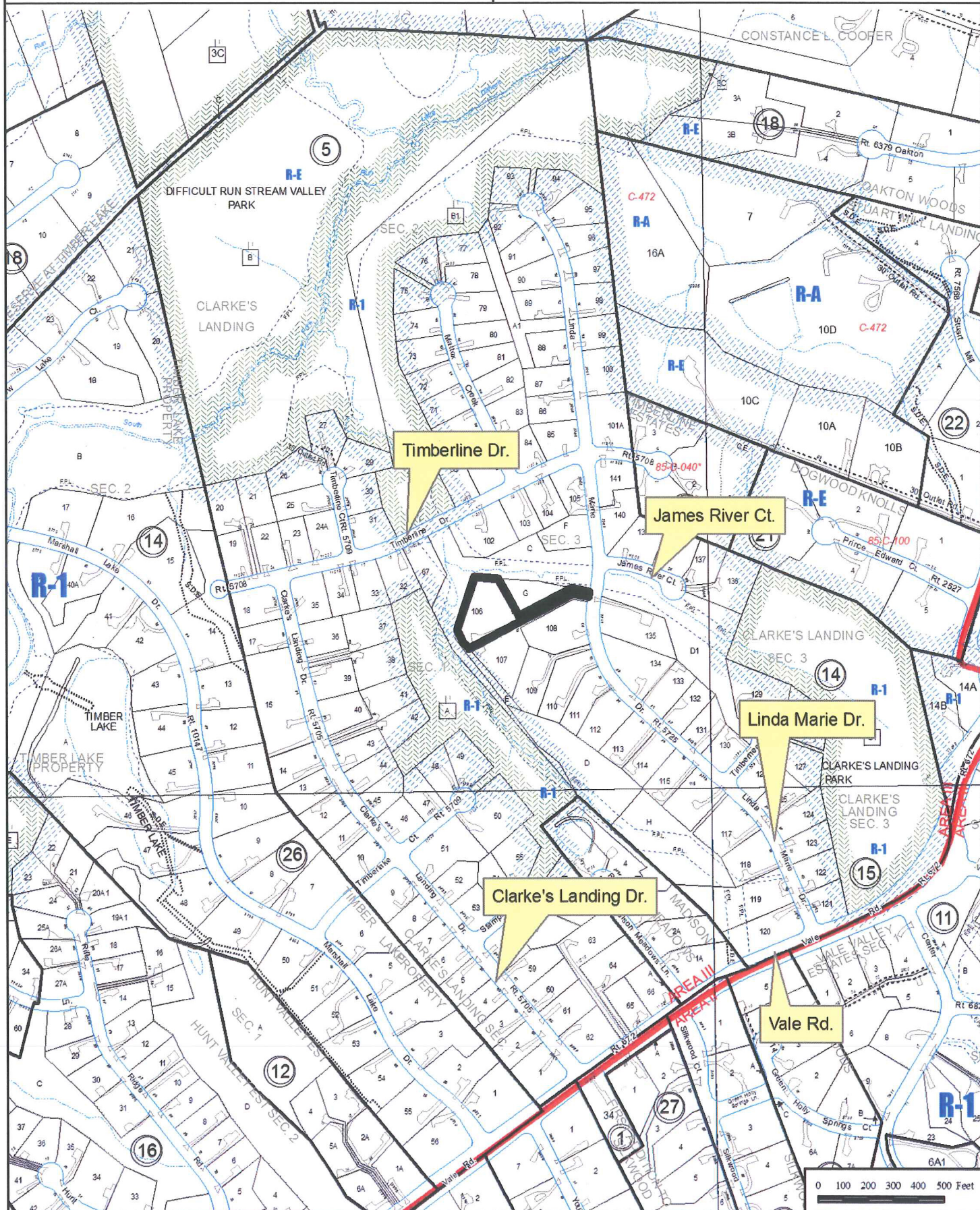
SP 2013-SU-096

ALICIA C. SANDOVAL

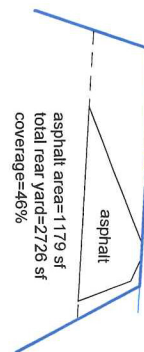
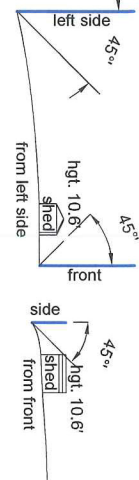
Variance Application

VC 2013-SU-023

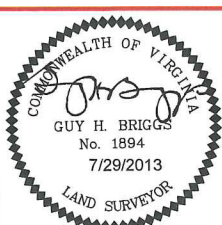
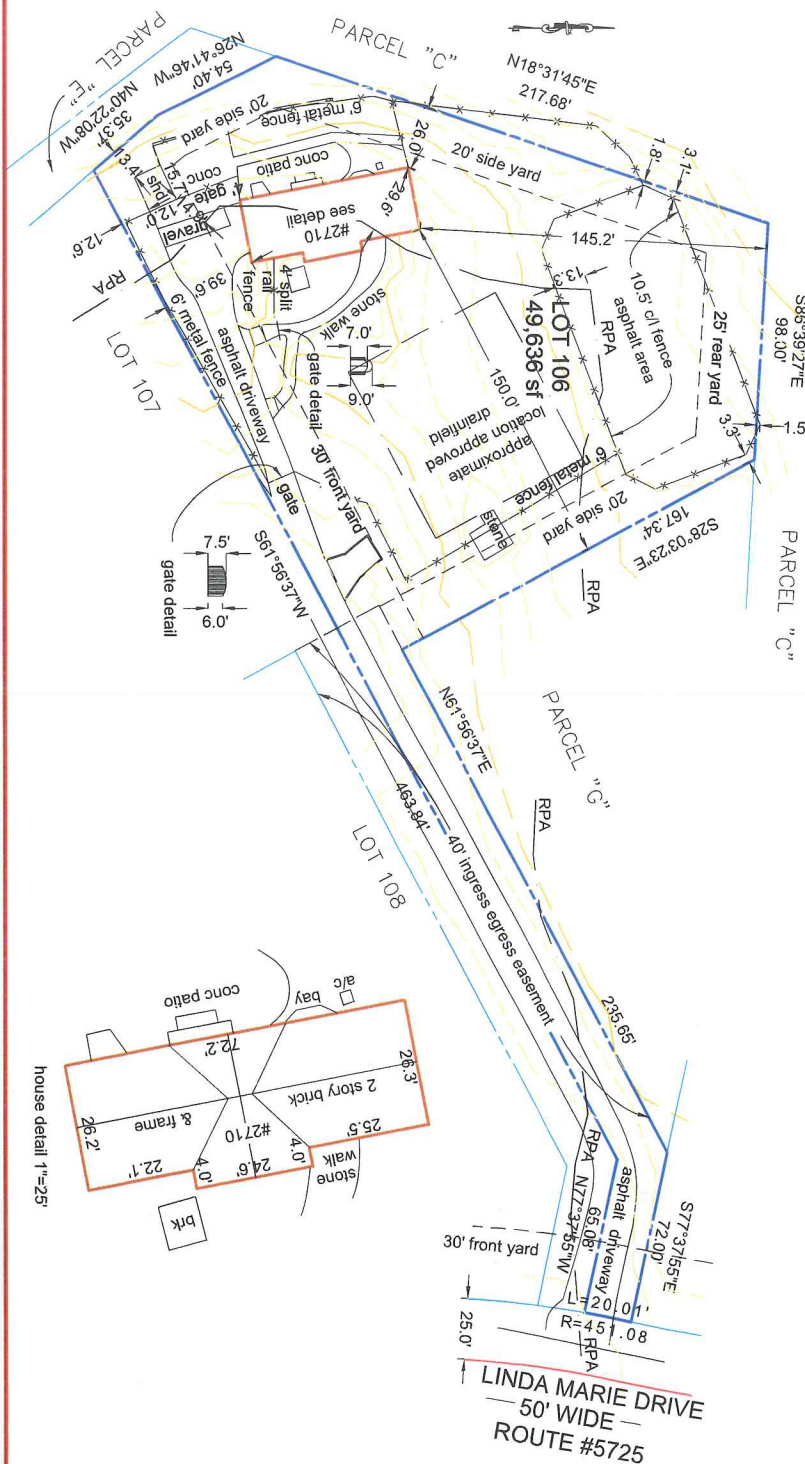
ALICIA C. SANDOVAL



-
- 26.5'
- mid-roof 363.8'
- high peak 363.8'
- high leave 363.8'
- low peak 363.8'
- low leave 363.8'
- mean grade 337.3'



asphalt area=1179 sf
total rear yard=2726 sf
coverage=46%

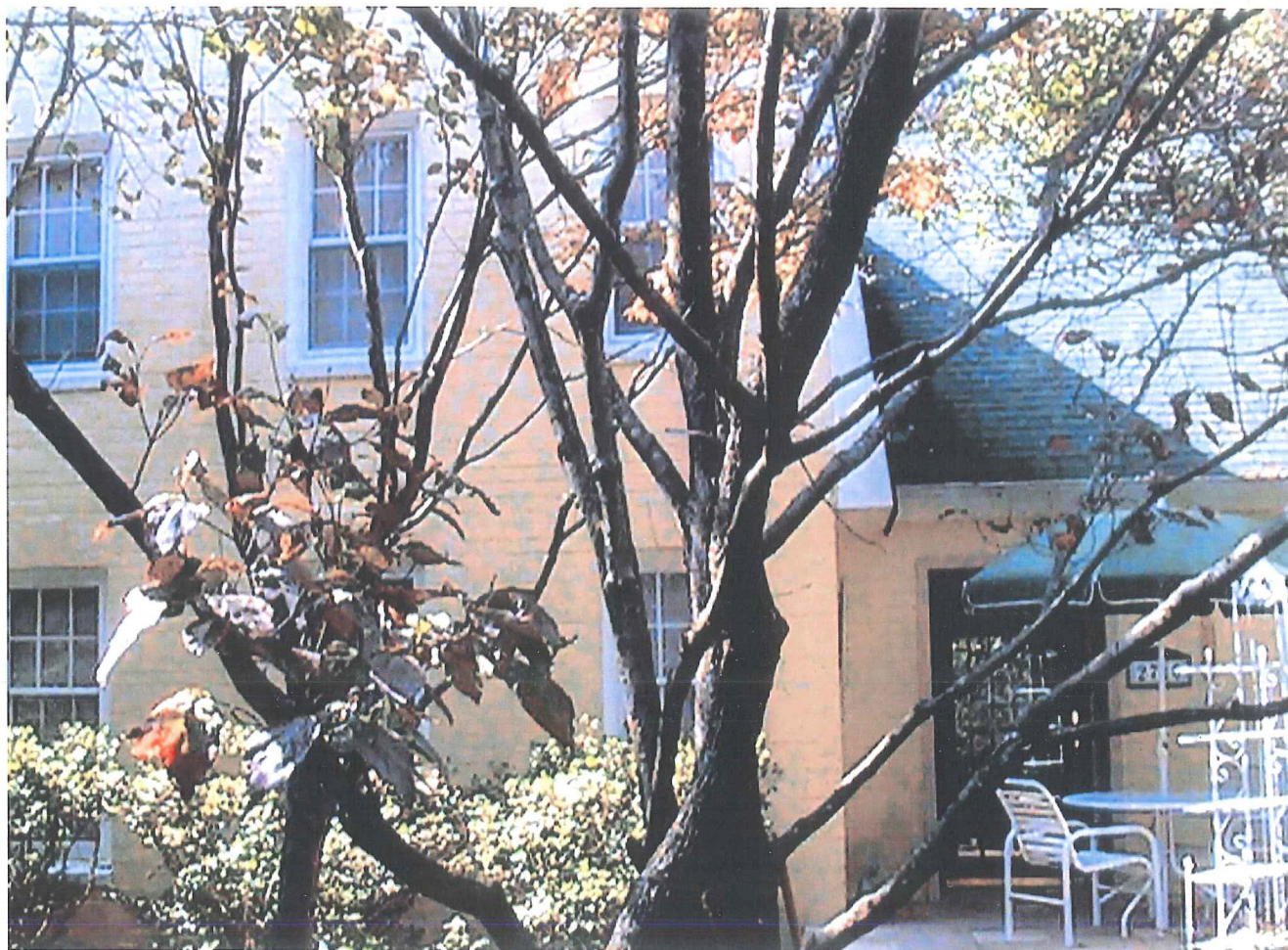


APEX SURVEYS

LOT 106, SECTION 3 CLARKE'S LANDING

7720 VICEROY STREET 703 866-1236
SPRINGFIELD, VIRGINIA 22151

JOB #: 13-0036
SCALE: 1"=50'









SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for an accessory storage structure, a shed, to remain within a minimum required front yard. The shed is located 12.6 feet from the front lot line. A 25 foot minimum front yard is required.

The applicant also requests approval to permit a fence greater than 4.0 feet in height to remain in front yard. A 6.0 foot tall fence is located along the southern and eastern lot lines within the front yard. The Zoning Ordinance allows applicants to request a special permit for fencing up to 6.0 feet in height in a front yard.

VARIANCE REQUEST

The applicant is also requesting approval of a variance to permit fences up to 10.5 feet in height to remain in front and side yards. Fencing up to 10.5 feet tall is located within the eastern front yard and within the northern side and western side lot lines. Fencing greater than 6.0 feet in height within a front yard or greater than 7.0 feet in height in a side or rear yard is not allowed and requires approval of a variance to remain.

A copy of the plat titled "Variance/Special Permit Plat, Lot 106, Section 3, Clarke's Landing" prepared by Guy H. Briggs, Land Surveyor, of Apex Surveys, dated April 29, 2013, as revised through July 29, 2013, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

As depicted in the picture on the following page, the subject parcel and surrounding properties are within the Clarke's Landing subdivision and are developed with single family detached dwellings, zoned R-1 and R-E.

The dwelling on the property is a brick and frame two-story structure with an attached patio extending off the rear. Access to the lot is provided via a driveway from Linda Marie Drive terminating an attached garage. The drive is gated and includes a 7.5 tall gate. Fencing, ranging in height from 6.0 feet to 10.5 feet, surrounds most of the property. An asphalt area is enclosed by portions of the 10.5 foot tall fencing. A portion of the fence extends into Parcel C, an adjacent parcel to the west of the subject property. A drainfield is located in the middle of the property. A 40 foot wide ingress/egress easement extends along the pipestem in order to provide access for Lot 107, a parcel to the south of the subject property.

The lot contains several mature trees, and is surrounded by forested open space areas to the east, west and north. A Resource Protection Area (RPA) covers the northern and

western portions of the lot. The existing shed and a portion of the dwelling are located within the RPA.



BACKGROUND

The existing dwelling was constructed in 1978. The lot contains 49,636 square feet of area. The applicant purchased the property in 2000. On September 2, 2010, the Department of Code Compliance staff inspected the property and found an accessory fence that exceeded the allowed height in a front yard. On October 27, 2010 a Notice of Violation (NOV) was sent to the property owner. A copy of the NOV is included in Appendix 5.

Notwithstanding what is shown on the plat, the yards have been determined to be as shown on the attached determination from the Zoning Administration Division provided in Appendix 6.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: West Ox Community Planning Sector
Plan Map: Residential 0.5-1 d.u./acre

ZONING ORDINANCE REQUIREMENTS

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard
- Sect. 18-401 Required Standards for Variances

These special permits and variances are subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve these applications, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report, Proposed Development Conditions.

The approval of the special permit and variance does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to the applications.

APPENDICES

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicants Affidavits
4. Applicants Statement of Justification
5. Notice of Violation
6. Yard Determination
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-SU-096

January 22, 2014

1. This special permit is granted for the accessory storage structure, shed, and 6.0 foot tall fence in the front yard as shown on the plat "Variance/Special Permit Plat, Lot 106, Section 3, Clarke's Landing" prepared by Guy H. Briggs, Land Surveyor, of Apex Surveys, dated April 29, 2013, as revised through July 29, 2013, and approved with this application, as qualified by these development conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

PROPOSED DEVELOPMENT CONDITIONS

VC 2013-SU-023

January 22, 2014

1. This variance is approved for fences in excess of 6.0 feet in height in the front yard and fences in excess of 7.0 feet in height in the side yards as shown on the plat "Variance/Special Permit Plat, Lot 106, Section 3, Clarke's Landing" prepared by Guy H. Briggs, Land Surveyor, of Apex Surveys, dated April 29, 2013, as revised through July 29, 2013, as submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Application No.(s):

SP 2013-SU-096
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: September 20, 2013

(enter date affidavit is notarized)

121139

I, Keith C. Martin, Agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|---|--|---|
| Alicia C. Sandoval | 2710 Linda Marie Dr. Oakton, VA 22124 | Applicant/Title Owner |
| Tramonte Yeonas Roberts & Martin PLLC Keith C. Martin | 8245 Boone Blvd #400 Vienna, VA 22182 | Attorneys/Agents Attorney/Agent |
| Apex Surveys Guy H. Briggs | 7720 Viceroy St. Springfield, VA 22151 | Engineers/Agents Agent |

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

121139

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Tramonte Yeonas Roberts & Martin PLLC
8245 Boone Blvd #400
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Vincent A. Tramonte II
George P. Yeonas
Jill J. Roberts
Keith C. Martin

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: September 20, 2013
(enter date affidavit is notarized)

121139

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Apex Surveys
7720 Viceroy St.
Springfield, VA 22151

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Guy H. Briggs

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

121139

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

121139

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)
None.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

121139

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Keith C. Martin, Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of September 2013, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 1-31-2014

Teresa F. Rankin
Notary Public



Application No.(s):

VC 2013-SU-023
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013

(enter date affidavit is notarized)

122415

I, Keith C. Martin, Agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☒ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
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| Alicia C. Sandoval | 2710 Linda Marie Dr. Oakton, VA 22124 | Applicant/Title Owner |
| Tramonte Yeonas Roberts & Martin PLLC Keith C. Martin | 8245 Boone Blvd #400 Vienna, VA 22182 | Attorneys/Agents Attorney/Agent |
| Apex Surveys Guy H. Briggs | 7720 Viceroy St. Springfield, VA 22151 | Engineers/Agents Agent |

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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122415

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

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NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

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Vienna, VA 22182

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☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Vincent A. Tramonte II
George P. Yeonas
Jill J. Roberts
Keith C. Martin

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

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(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: September 20, 2013
(enter date affidavit is notarized)

122415

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Apex Surveys
7720 Viceroy St.
Springfield, VA 22151

DESCRIPTION OF CORPORATION: (check one statement)

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☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Guy H. Briggs

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

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(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

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Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

122415

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

122415

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)
None.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 20, 2013
(enter date affidavit is notarized)

122415

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Keith C. Martin, Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of September 2013, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 1-31-2014

Notary Public



TRAMONTE, YEONAS, ROBERTS & MARTIN PLLC
ATTORNEYS AND COUNSELLORS AT LAW

APPENDIX 4

8245 BOONE BOULEVARD, SUITE 400
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532

September 12, 2013

Ms. Barbara Berlin
Dept. of Planning and Zoning
12055 Government Center Pkwy., Suite 801
Fairfax, VA 22035

Re: Special Permit to Allow Accessory Fence to Remain at a Height of 6 Feet in a Front Yard and Variance to Allow Rear Yard Coverage of 46% and 10.5 Foot Accessory Fence in a Side and Rear Yard and 7.5 Foot Gate and Accessory Storage Structure in a Front Yard - Tax Map 36-2((5)) 106

Dear Ms. Berlin:

The following is a revised statement of justification for the above-referenced Special Permit and Variance Application. The Applicant and Title Owner, Alicia C. Sandovar, constructed a decorative metal 7.5 foot high gate and 6 foot high section of fence on and surrounding her driveway which is located in the front yard of her Oakton Lot. The fence is located approximately 300 feet away from the edge of the Public Street, Linda Marie Drive. The Applicant was served with a Notice of Violation on February 11, 2013 instructing her to either remove the gate and fence or file for a Special Permit.

It is submitted that this application satisfies the criteria of Section 8-923 for the BZA to approve a Special Permit as follows:

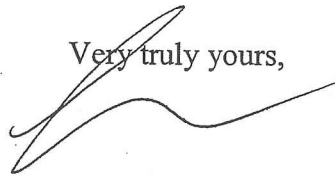
1. The maximum height of the fence shall not exceed 6 feet.
 2. The fence meets the sight distance requirements contained in Sect. 2-505.
 3. The fence height increase is warranted based on the orientation and location of the fence on the lot.
 4. The fence height increase is in character with the existing on-site development and is harmonious with surrounding off-site uses.
 5. The fence height shall not adversely impact the use and enjoyment of other properties.
-
- A. Type of Operation: Allow an existing 6 foot fence in a front yard.
 - B. Hours of Operation: Not applicable.

- C. Estimated Number of Patrons: Not applicable.
- D. Proposed Number of Employees: Not applicable.
- E. Estimate of Traffic Impact: Not applicable.
- F. Vicinity to be Served: Not applicable.
- G. Description of Building Façade: Decorative Metal.
- H. There are no hazardous or toxic substances.
- I. The proposed development conforms to the provisions of all applicable ordinances, except a variance is required for rear yard coverage greater than 30%.

It is submitted that the requested variance satisfy the criteria set forth in Section 18-404 of the Zoning Ordinance as follows:

1. That the subject property was acquired in good faith. The tennis court which exceeds rear yard coverage and its 10.5 foot accessory fence were constructed by the previous owners.
2. That the subject property has an extraordinary situation in that the tennis court and accessory fence were existing when the property was purchased and the property has an exceptional shape. The long pipe stem driveway places the 7.5 foot gate approximately 300 feet from the public street and not visible to the public.
3. That the condition or situation of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation as an amendment to the Zoning Ordinance.
4. The strict application of this ordinance would produce undue hardship.
5. That such undue hardship is not shared by other properties in the vicinity.
6. That strict application of the ordinance would unreasonably restrict utilization of the subject property.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this ordinance and not contrary to the public interest.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Keith C. Martin', with a stylized, flowing script.

Keith C. Martin

TRAMONTE, YEONAS, ROBERTS & MARTIN PLLC
ATTORNEYS AND COUNSELLORS AT LAW

8245 BOONE BOULEVARD, SUITE 400
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532

RECEIVED
Department of Planning & Zoning
MAY 16 2013
Zoning Evaluation Division

May 13, 2013

Ms. Barbara Berlin
Dept. of Planning and Zoning
12055 Government Center Pkwy., Suite 801
Fairfax, VA 22035

Re: Special Permit to Allow Accessory Fence to Remain at a Height of 6 Feet in a
Front Yard
Tax Map 36-2((5)) 106

Dear Ms. Berlin:

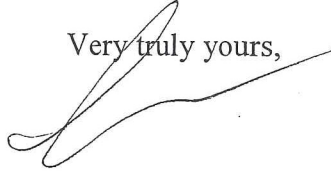
The following is a statement of justification for the above-referenced Special Permit Application. The Applicant and Title Owner, Alicia C. Sandovar, constructed a decorative metal 6 foot high gate and section of fence on and surrounding her driveway which is located in the front yard of her Oakton Lot. The fence is located approximately 300 feet away from the edge of the Public Street, Linda Marie Drive. The Applicant was served with a Notice of Violation on February 11, 2013 instructing her to either remove the gate and fence or file for a Special Permit.

It is submitted that this application satisfies the criteria of Section 8-923 for the BZA to approve a Special Permit as follows:

1. The maximum height of the fence shall not exceed 6 feet.
2. The fence meets the sight distance requirements contained in Sect. 2-505.
3. The fence height increase is warranted based on the orientation and location of the fence on the lot.
4. The fence height increase is in character with the existing on-site development and is harmonious with surrounding off-site uses.
5. The fence height shall not adversely impact the use and enjoyment of other properties.

- A. Type of Operation: Allow an existing 6 foot fence in a front yard.
- B. Hours of Operation: Not applicable.
- C. Estimated Number of Patrons: Not applicable.
- D. Proposed Number of Employees: Not applicable.
- E. Estimate of Traffic Impact: Not applicable.
- F. Vicinity to be Served: Not applicable.
- G. Description of Building Façade: Decorative Metal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Keith C. Martin', with a long, sweeping horizontal stroke extending to the right.

Keith C. Martin

TRAMONTE, YEONAS, ROBERTS & MARTIN PLLC
ATTORNEYS AND COUNSELLORS AT LAW

8245 BOONE BOULEVARD, SUITE 400
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532

RECEIVED
Department of Planning & Zoning

AUG 28 2013

August 28, 2013

Zoning Evaluation Division

Ms. Barbara Berlin
Dept. of Planning and Zoning
12055 Government Center Pkwy., Suite 801
Fairfax, VA 22035

Re: Special Permit to Allow Accessory Fence to Remain at a Height of 6 Feet in a Front Yard and Variance to Allow Rear Yard Coverage of 46% and 10.5 Foot Accessory Fence in a Side and Rear Yard and 7.5 Foot Gate in a Front Yard
Tax Map 36-2((5)) 106

Dear Ms. Berlin:

The following is a statement of justification for the above-referenced Special Permit and Variance Application. The Applicant and Title Owner, Alicia C. Sandoval, constructed a decorative metal 7.5 foot high gate and 6 foot high section of fence on and surrounding her driveway which is located in the front yard of her Oakton Lot. The fence is located approximately 300 feet away from the edge of the Public Street, Linda Marie Drive. The Applicant was served with a Notice of Violation on February 11, 2013 instructing her to either remove the gate and fence or file for a Special Permit.

It is submitted that this application satisfies the criteria of Section 8-923 for the BZA to approve a Special Permit as follows:

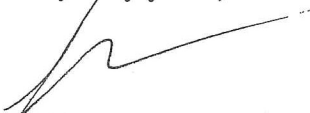
1. The maximum height of the fence shall not exceed 6 feet.
 2. The fence meets the sight distance requirements contained in Sect. 2-505.
 3. The fence height increase is warranted based on the orientation and location of the fence on the lot.
 4. The fence height increase is in character with the existing on-site development and is harmonious with surrounding off-site uses.
 5. The fence height shall not adversely impact the use and enjoyment of other properties.
-
- A. Type of Operation: Allow an existing 6 foot fence in a front yard.
 - B. Hours of Operation: Not applicable.

- C. Estimated Number of Patrons: Not applicable.
- D. Proposed Number of Employees: Not applicable.
- E. Estimate of Traffic Impact: Not applicable.
- F. Vicinity to be Served: Not applicable.
- G. Description of Building Façade: Decorative Metal.
- H. There are no hazardous or toxic substances.
- I. The proposed development conforms to the provisions of all applicable ordinances, except a variance is required for rear yard coverage greater than 30%.

It is submitted that the requested variance satisfy the criteria set forth in Section 18-404 of the Zoning Ordinance as follows:

- 1. That the subject property was acquired in good faith. The tennis court which exceeds rear yard coverage and its 10.5 foot accessory fence were constructed by the previous owners.
- 2. That the subject property has an extraordinary situation in that the tennis court and accessory fence were existing when the property was purchased and the property has an exceptional shape. The long pipe stem driveway places the 7.5 foot gate approximately 300 feet from the public street and not visible to the public.
- 3. That the condition or situation of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation as an amendment to the Zoning Ordinance.
- 4. The strict application of this ordinance would produce undue hardship.
- 5. That such undue hardship is not shared by other properties in the vicinity.
- 6. That strict application of the ordinance would unreasonably restrict utilization of the subject property.
- 7. That authorization of the variance will not be of substantial detriment to adjacent property.
- 8. That the character of the zoning district will not be changed by the granting of the variance.
- 9. That the variance will be in harmony with the intended spirit and purposes of this ordinance and not contrary to the public interest.

Very truly yours,



Keith C. Martin



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County:

NOTICE OF VIOLATION

DATE OF ISSUANCE: October 27, 2010

SHERIFF'S LETTER

CASE #: 200901214 **SR#:** 51256

SERVE: Alicia C. Sandoval
Irene A. Mendez
2710 Linda Marie Drive
Oakton, Virginia 22124

LOCATION 2710 Linda Marie Drive
OF VIOLATION: Oakton, VA 22124-1114
Tax Map #: 36-2 ((5)) 106
Zoning District: R-1C
Sully District

Dear Property Owners:

An inspection of the above referenced property on September 02, 2010 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a seven (7) feet tall accessory fence has been erected in the front yard of this property which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

§ 10-102 (24) Outdoor Storage

§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined that you are allowing the storage in the rear yard of, but not limited to, the following:

Stack of cinder blocks on pallets, rebar, black buckets, tarps with miscellaneous items stored beneath, planting containers, and debris.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the

DCC Service Request History

(Service Request # : 66969)

CASE # : 201007507

Problem Code : CZAFF: Accessory Fence In Front Yard

Date Rcvd : 11/23/2010

Assigned To : BISE

Res.Code : OPEN

Rfrd Frm: Rfrd To: Referral Comments:

SR #:

Referred Status:

Location: 2710 Linda Marie Dr Oakton VA 22124-1114

Owner: Sandoval Alicia C and Mendez Irene A

Caller's Info:

Name: Preet Toor

Address: N/A, N/A N/A N/A

Day Phone: (703)919-9531 x

Evening Phone: Email: n/a

Caller's Comments:

Fence exceeding 4' in the front yard.

Inspections Information:

| <u>Inspection Date</u> | <u>Inspection #</u> | <u>Insp Type</u> | <u>Inspection Status</u> | <u>Insp Sqnce</u> | <u>Inspected By</u> |
|--|---------------------|------------------|--------------------------|-------------------|---------------------|
| 05/23/2013 | 5936435 | CZONE | FAILED | 3 | LBISE0 |
| Owner started the SP process within the 30 days stated on the the notice. The owners Rep called with the status and had been to the 8th floor also. | | | | | |
| 01/15/2013 | 5260805 | CZONE | FAILED | 2 | LBISE0 |
| Research prior to churning the case revealed the violations were not properly served. Double checked owner info,inspected and violation still exist new violations being sent. | | | | | |
| 12/17/2010 | 5237466 | CZONE | FAILED | 1 | LBISE0 |
| Inspection revealed six foot fence in the front yard of the property. | | | | | |

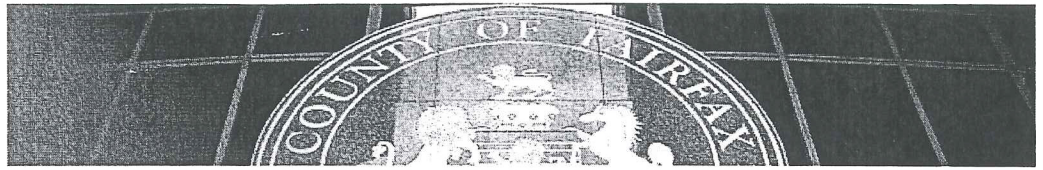
Certified Notice of Violation Information:

| <u>Document Type</u> | <u>Certificate #</u> | <u>Sent</u> | <u>Received</u> | <u>Days to Comply</u> | <u>Follow up/ Expiration</u> | <u>Secondary Rcvd</u> | <u>SR#</u> |
|----------------------|------------------------|-------------|-----------------|-----------------------|------------------------------|-----------------------|------------|
| | n/a | | | 0 | | | 66969 |
| ZONING NOV | n/a Irene A.Mendez | 02/11/2013 | 02/11/2013 | 30 | 03/13/2013 | | 66969 |
| ZONING NOV | n/a | 02/11/2013 | | 30 | 03/13/2013 | | 66969 |
| ZONING NOV | n/a Alicia C, Sandoval | 02/11/2013 | 02/11/2013 | 30 | 03/13/2013 | | 66969 |

Log Actions:

| <u>Date</u> | <u>Log Type</u> | <u>Comments</u> |
|-------------|-----------------------------|------------------------------------|
| 02/11/2013 | Notice Of Violation Sent | |
| 02/11/2013 | Notice Of Violation Sent | |
| 02/11/2013 | Notice Of Violation Sent | |
| 02/11/2013 | Notice Of Viol Receipt Rcvd | |
| 02/11/2013 | Notice Of Viol Receipt Rcvd | |
| 11/29/2010 | Assigned Case To Inspector | CZONE #1 ASSIGNED TO: LINCOLN BISE |

No litigation information for this case!



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[Advanced Search](#)

Complaints

[Submit a Complaint](#)
[Complaint Search](#)

[homepage](#) > [fairfax inspections database online, fido](#) > [community complaint inquiry](#)

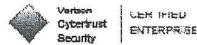
Community Complaint Result

| | |
|--|-------------------------------|
| Complaint # | 66969 |
| Street Address | 2710 Linda Marie Dr |
| Magisterial District | Sully |
| Complaint Description | Accessory Fence In Front Yard |
| Agency | Code Compliance |
| Status | Under Investigation |
| Opened Date | 11/23/2010 |
| Closed Date | |
| Disposition | |
| Inspector Assigned | Lincoln Bise, 703-324-1300 |
| Notice of Violation and/or Corrective Work Order | Yes |
| Litigation | No |

[Previous](#)

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

[Awards](#) | [FOIA](#) | [Mobile](#) | [Using this Site](#) | [Web Disclaimer & Privacy Policy](#) | [Get Adobe Reader](#)
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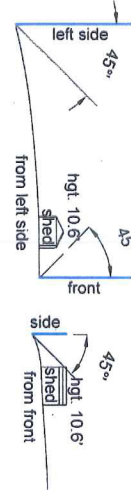
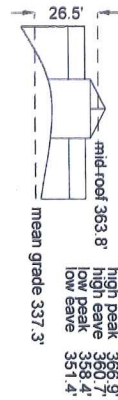
Website Survey



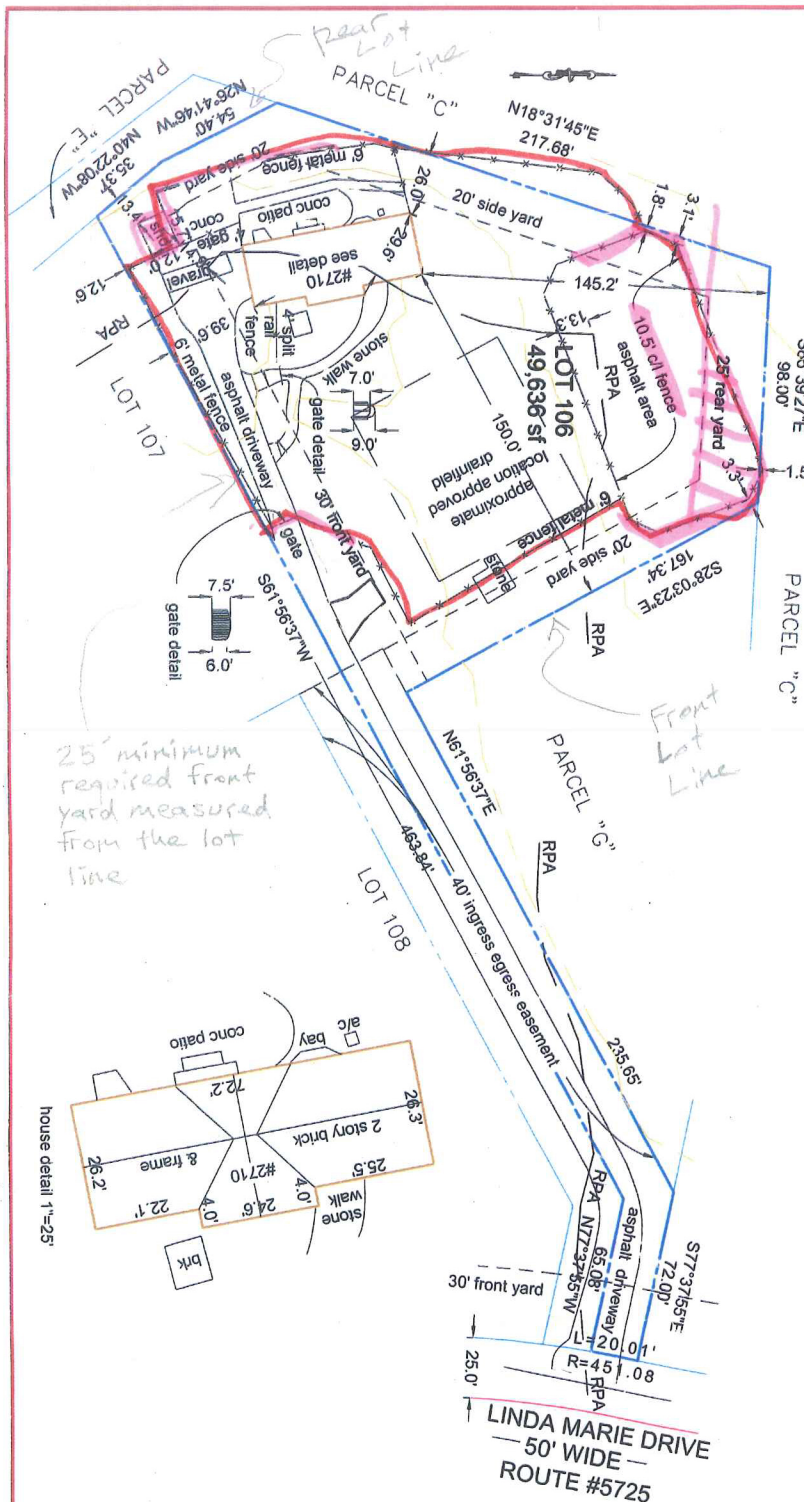
Language Translations

APPENDIX 6

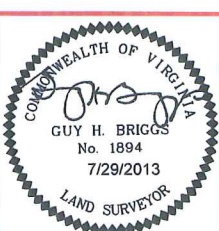
1. The property shown here on is located on Fairfax County tax map no. 0362 05 0106 and is zoned R-1C.
2. This property is serviced by public water.
3. There are no trails proposed on the comprehensive plan in this area.
4. There is a 40' ingress egress easement associated with the pipeline. There is no 25' or larger easement on his property, or major underground easements.
5. There is no flood plain in the vicinity. Resource protection area delineated on this site.
6. There are no burial sites apparent on the property.
7. Proposed use is residential.
8. SWM plans will be submitted at such time as a grading plan is required.
9. Topography field shot. Elevations assumed.



OWNERS:
Alicia C. Sandoval
Irene A. Mendez
2710 Linda Marie Drive
Oakton, Virginia 22124
deed book 11468, page 1140



RECEIVED
Department of Planning & Zoning
AUG 28 2013
Zoning Evaluation Division



rev JULY 29, 2013
APRIL 29, 2013

VARIANCE/SPECIAL PERMIT PLAT LOT 106, SECTION 3 CLARKE'S LANDING

SULLY DISTRICT

FAIRFAX COUNTY, VIRGINIA

APEX SURVEYS 7720 VICEROY STREET 703 866-1236
SPRINGFIELD, VIRGINIA 22151

JOB #: 13-0036
SCALE: 1"=50'

Roger Mary's det

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

**Provisions for Approval of Reduction to the Minimum Yard Requirements
Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-923 *Provisions for Increase in Fence and/or Wall Height in Any Front Yard*

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or FAIRFAX COUNTY ZONING ORDINANCE
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.